

BACKGROUND PAPER FOR HEARING

BARBERING AND COSMETOLOGY BUREAU

IDENTIFIED ISSUES, QUESTIONS FOR THE BUREAU, AND BACKGROUND CONCERNING ISSUES

The Bureau of Barbering and Cosmetology (Bureau) licenses barbers, cosmetologists, electrologists, estheticians, and manicurists after determining through an examination that applicants possess the minimum skills and qualifications necessary to provide safe and effective services to the public. The Bureau's mission is to protect consumers from harm by licensees through its licensing and enforcement programs. Currently, the Bureau has an annual budget of approximately \$11 million with 74 permanent full-time staff and 51 permanent-intermittent and temporary employees (students and seasonal clerks) for a total of 125 positions. Examinations are administered on a daily basis at two examination facilities, one in Fairfield and the other in Los Angeles. The Bureau administers approximately 23,000 examinations a year. The Bureau regulates nearly 420,000 licensees, including 242,000 cosmetologists, 91,000 manicurists, 21,000 barbers, 19,000 estheticians, and 3,300 electrologists, and 37,000 establishments. There are 15 inspector positions, 12 enforcement positions, 27 licensing positions, 11 positions in administrative support and policy, 25 examination staff in the south and 22 in the north. There are currently 206 barbering and cosmetology schools approved by the Bureau and licensed by the Bureau of Post Secondary and Vocational Education (BPPVE).

The Board of Barbering and Cosmetology (Board) was created in 1992 after the passage of enabling legislation (AB 3008, Chapter 1672, Statutes of 1990) that merged the Board of Barber Examiners and the Board of Cosmetology, both of which were established in 1939. The merged Board consisted of five public members and four members representing the professions. The Governor appointed three of the public members and four professional members. The Senate Committee on Rules and the Speaker of the Assembly each appointed one public member.

In 1996, the Joint Legislative Sunset Review Committee (Joint Committee) recommended that the Board be eliminated. Like all boards in the Department of Consumer Affairs (Department), the Board functioned semi-autonomously. Once the Board was sunset, all of its functions, duties and powers were transferred to the Director of the Department. The result was the creation of the Barbering and Cosmetology Program in 1997, which was led by a Program Administrator appointed by the Department Director. The Program experienced another change in 1999, when Senate Bill 1306 (Senate Committee on Business and Professions, Chapter 656, Statutes of 1999) changed the Program's name to the Bureau, and required the Bureau be subject to sunset reviews.

SB 1482, a measure to recreate the Board, was passed by the Legislature in August 2002 and signed by the Governor in September 2002.

On September 4, 2002, the Bureau submitted a draft sunset report to the Joint Committee. This is the first time that the Bureau has been reviewed by the Joint Committee. The following are areas of concern for the Joint Committee, along with background information concerning the particular issue. There are questions that staff has asked concerning the particular issue. The Bureau was provided with these issues and questions and is prepared to address each one if necessary.

CURRENT SUNSET REVIEW ISSUES

BUREAU POWERS & ENFORCEMENT ISSUES

ISSUE #1: The Bureau's authority to inspect licensed establishments is unclear. The Bureau does not have the authority to close an establishment for unlicensed activity. The Bureau does not have the authority to confiscate items being used illegally by licensees.

Question #1 for the Bureau: *What authority does the Bureau have to inspect licensed establishments? Are these unannounced visits? Are these visits conducted prior to or after the issuance of a license? What exactly does the Bureau inspect? Are these inspections conducted with some regularity? Does the Bureau have authority to discipline an establishment for violations? Does the Bureau have sufficient staff and funds to perform these inspections? What type of harm can be caused by unlicensed activity to justify the closure of an establishment? What type of items would the Bureau confiscate?*

Background: There are approximately 37,000 licensed establishments. Section 7313 of the Business and Professions Code provides that to ensure compliance with the Barbering and Cosmetology Act (Act), the Bureau shall have access to, and shall inspect, any establishment or mobile unit at any time in which barbering, cosmetology, or electrolysis is being performed.

Additionally, section 7313 provides that the Bureau shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The Bureau shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement.

However, the Act is not clear as to whether a patron must be receiving services in order for an inspection to occur.

Section 7353 of the Business and Professions Code provides that within 90 days after issuance of the establishment license, the Bureau or its agents or assistants shall inspect the establishment for compliance with the Act and the applicable rules and regulations of the Bureau. The Bureau is required to maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. It is unclear whether the Bureau complies with Section 7353.

ISSUE #2: The extent to which the Bureau can and does inspect schools is unclear.

Question #2 for the Bureau: *Does the Bureau know of any schools that do not practice on members of the public? Does the Bureau have the authority to assess a fee to conduct these inspections? Are these unannounced visits? Does this apply to both public and private schools? What exactly does the Bureau inspect? Are these inspections conducted with some regularity? Does the Bureau have sufficient staff and funds to perform these inspections? Does the Bureau have clear authority to discipline a school for violations? Does the Bureau's authority extend to schools that teach nail care and esthetics?*

Background: There are currently 206 barbering and cosmetology schools approved by the Bureau and licensed by the BPPVE. Section 7313 of the Business and Professions Code provides that to ensure compliance with the Bureau's health and safety requirements, the Bureau shall have access to, and shall inspect the premises of all schools in which the practice of barbering, cosmetology, or electrolysis is performed on the public.

According to the Bureau's current report to the Joint Committee, since 2000, 163 school inspections have occurred resulting in the discovery of over 800 health and safety violations and failure to meet minimum equipment standards.

ISSUE #3: The Bureau has no authority to issue citations with administrative fines at the time of school inspections.

Question #3 for the Bureau: *Could/would allowing for the issuance of administrative fines at the time of inspection benefit both consumers and students? Would this authority be limited to private schools?*

Background: Section 7313 of the Business and Professions Code generally provides that notices of violation shall be issued to schools for violations of regulations governing conditions related to the health and safety of patrons. Each notice shall specify the section violated and a timespan within which the violation must be corrected. If corrections have not been made within 30 days, an inspector may issue a citation with administrative fines.

ISSUE #4: The fine amounts may not be high enough to deter illegal activity and unprofessional conduct. Even though violations can exceed \$2,500, the Bureau cannot assess fines exceeding that amount.

Question #4 for the Bureau: *Does the existing fine structure act as a sufficient deterrent?*

Background: The Cite and Fine program was initiated in December 1994. Administrative citations are issued for violation of the Bureau's rules and regulations, primarily related to health and safety issues. Violations range from improper disinfection to unlicensed activity, with fines ranging from \$25 to \$500 for first violations. Most fines are waivable on the first offense, provided the offense is corrected within 30 days. The fine amounts increase for second and third offenses. Fines levied against operators are also levied against establishment owners, since establishment owners are responsible for all activities in their establishment.

ISSUE #5: Applicants are not required to submit fingerprint cards for background investigations. It is unclear why applicants of other bureaus and boards are required to submit fingerprint cards for background investigations and not Bureau of Barbering and Cosmetology applicants.

Question #5 for the Bureau: *How many applicants has the Bureau found have made misrepresentations on their application? Would fingerprinting better protect consumers; if so, how?*

Background: Section 144(a) of the Business and Professions Code provides that notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history

information from the Department of Justice and the United States Federal Bureau of Investigation. Section 144(b) of the Business and Professions Code provides that section 144(a) applies to a number of the boards and bureaus but does not apply to the Bureau.

ISSUE #6: Photographic licensure was previously required but never implemented. Should photographic licensure be required?

Question #6 for the Bureau: *Would photographic licensure better protect consumers? If so, how? Would photographic licensing assist the Bureau in their enforcement efforts? If so, how? Should photographic licensing be required of existing licensees? If so, how could it be accomplished?*

Background: AB 3008 (Eastin, Chapter 1672, Statutes 1990) required licenses to contain a photograph of the licensee. This measure allowed the Board to establish the method or methods it deemed appropriate for utilizing a photograph of the licensee to verify licensure status, and charge an additional fee for the processing of the photographic license.

During the prior review, the Joint Committee noted that the Board failed to take the necessary actions to implement this requirement which went into effect on July 1, 1992. According to a chronology of the photographic license project presented to the Joint Committee it would appear as though the Board and former executive officer did not complete the request for proposal in a timely fashion, and ignored recommendations from staff and the Department of Finance to pursue the request for proposal immediately. Because of this, the \$1.9 million appropriation for this project reverted to the Board's fund reserve and the Board was required to submit a budget change proposal for one-time funding in FY 1995/96. The requirement that licenses contain a photograph of the licensee was ultimately repealed in 1996 (SB 1077, Greene, Chapter 1137, Statutes of 1996).

BUDGETARY ISSUE

ISSUE #7: The Bureau spends more on its examination program than it makes.

Question #7 for the Bureau: *Does the Bureau assess actual costs for its exams? What options has the Bureau considered to reduce its exam expenditures?*

Background: The Bureau's current report to the Joint Committee states that they collect approximately \$900,000 in examination fees while they annually spend \$3,419,285 (37.4%) on their examination program and \$2,227,610 (22.9%) on their enforcement program.

Pursuant to section 7423 of the Business and Professions Code applicants for individual practice (cosmetologist, esthetician, manicurist, barber, electrologist) pay one amount (ranging from \$35 to \$50) that covers the application, examination, and initial license fees.

LICENSURE ISSUES

ISSUE #8: The law does not allow reciprocity for any of the Bureau's licensing categories.

Question #8 for the Bureau: *Would/could allowing reciprocity for applicants licensed (in good standing) in other states, under similar standards, pose any risk to California's consumers?*

Background: California does not have reciprocity with any other state. Individuals from other states and countries must meet eligibility requirements and take and pass both a written and practical examination, regardless of years of experience in other states or countries.

ISSUE #9: The law establishes a process whereby barbering instructors and cosmetology instructors can voluntarily obtain a license from the Bureau. If licensed as such, the instructor must complete continuing education requirements to renew the license. The necessity of a voluntary license for barbering instructors and cosmetology instructors is unclear. The necessity of requiring continuing education for instructors is unclear.

Question #9 for the Bureau: *Is the Bureau aware of any similar requirement for other instructors of professional students; do any other board/bureaus provide voluntary licenses? Is the issuance of a voluntary license to instructors necessary to protect students and consumers? Is the mandate for licensed instructors to complete continuing education courses necessary to protect students and consumers? Is this or could this be done as part of the school approval process? Does the Bureau have authority to audit licensees to ensure compliance with the continuing education requirements? If so, what is the extent and frequency? How does the Bureau ensure the effectiveness and quality of the courses?*

Background: The law does not require but rather establishes a process whereby an individual can obtain a barbering or a cosmetology instructors license. Pursuant to section 7391 Business and Professions Code an individual can sit for the instructor examinations (written and practical) provided that they (a) have completed the 12th grade or an accredited senior high school course of study in public schools of this state or its equivalent; (b) are not subject to denial pursuant to Section 480; (c) hold a valid license to practice cosmetology or barbering in this state; and, (d) have done at least one of the following: (1) completed a 600 hour cosmetology or barbering instructor training course in an approved school in this state or equivalent training in an approved school in another state; (2) completed not less than the equivalent of 10 months of practice as a teacher assistant or teacher aide in a school approved by the bureau; or, (3) practiced cosmetology or barbering in a licensed establishment in this state for a period of one year within the three years immediately preceding application, or its equivalent in another state.

Pursuant to section 7392 of the Business and Professions Code, in order to renew an instructor's license an individual must complete at least 30 hours of continuing education in the teaching of vocational education. This section provides that programs designed for continuing education in the teaching of vocational education may include, but not be limited to, development of understanding and competency in the learning process, instructional techniques, curriculum and media, instructional evaluation, counseling and guidance, and the special needs of students.

Section 7395 of the Business and Professions Code provides that if an instructor with an active license status does not provide proof of compliance with the continuing education requirements within 45 days of a request from the Bureau, the instructor's license shall revert to inactive status until proof of compliance is provided to the Bureau.

ISSUE #10: The reasons for the dramatic curriculum differences between apprenticeship applicants and school applicants are unclear; the curriculum requirements are 3200 hours regardless of the apprenticeship type. It is unclear whether the Bureau has sufficient authority and/or resources to oversee the apprenticeship program.

Question #10 for the Bureau: *When is the last time the Bureau reviewed the apprenticeship curriculum requirements? When is the last time the Bureau reviewed the standards for pre-apprentice trainers; program sponsors; trainers; and the establishments where apprentices will be placed? What quality control measures has the Bureau implemented in order to ensure actual and meaningful compliance with the apprenticeship requirements? Could apprentices be exempted from the practical exam under the right circumstances?*

Background: There are different licensing pathways in which an individual may qualify for the examination. An individual may qualify through training in an approved school, previous licensure in California, experience and/or training in another state or country, or through the apprenticeship program.

If an individual chooses to take the apprenticeship pathway, he/she apply to the Bureau for an apprentice license and provides proof that he/she has completed a minimum number of pretraining hours at a facility approved by the Bureau. After obtaining an apprentice license, the individual trains in licensed establishments under the supervision of a licensee approved by the Bureau.

Section 7335 of the Business and Professions Code provides that a person may maintain an apprentice license for a period of 2 years and allows the Bureau to extend the two year period if a licensee shows good cause. Section 7335 specifies that no person having an apprentice license shall work more than three months after completing the required training.

Pursuant to Bureau regulations, all apprentice training is set at a minimum of 3,200 clock hours. In comparison, students enrolled in a cosmetology course must complete 1,600 clock hours, students enrolled in a barbering course must complete 1,500 clock hours, students enrolled in a skin care course must complete 600 clock hours, students enrolled in a nail care course must complete 400 clock hours, and students enrolled in an electrolysis course must complete 400 clock hours.

ISSUE #11: **The externship program is only available to cosmetology students attending private schools. While the externs receive school course credit, they are unpaid. It is unclear whether the schools or the Bureau have sufficient authority and/or resources to oversee the externship program.**

Question #11 for the Bureau: *What quality control measures has the Bureau implemented in order to ensure actual and meaningful compliance with the externship requirements? Why is this program necessary in light of the practical training students are required to receive at school? What type of work are the students doing? Why is this only available to cosmetology students from private schools?*

Background: Section 7395.1 of the Business and Professions Code provides that a student who is enrolled in a school of cosmetology approved by the BPPVE in a course approved by the Bureau may, upon completion of a minimum of 60% of the clock hours required for graduation in the course, work as an unpaid extern in a cosmetology establishment participating in the educational program of the school of cosmetology. Externs shall receive clock hour credit toward graduation, but that credit shall not exceed eight hours per week and shall not exceed 10% of the total clock hours required for completion of the course.

Section 7395.1 provides that the externship program shall be conducted in licensed cosmetology establishments meeting all of the following criteria: (1) the establishment has a minimum of four

licensees working at the establishment, including employees and owners or managers; (2) all licensees at the establishment are in good standing with the Bureau; (3) licensees working at the establishment work for salaries or commissions rather than on a space rental basis; (4) no more than one extern shall work in an establishment for every four licensees working in the establishment; and, (5) externs shall wear conspicuous school identification at all times while working in the establishment, and shall carry a school laminated identification, that includes a picture, in a form approved by the Bureau.

Pursuant to Section 7395.1, a school participating in the externship program shall provide the participating establishment and the extern with a syllabus. The extern, the school, and the establishment shall agree to the terms of and sign the syllabus prior to the extern beginning work at the establishment. No less than 90% of the responsibilities and duties of the extern shall consist of the acts included within the practice of cosmetology. The establishment is required to consult with the assigning school regarding the extern's progress during the unpaid externship. The owner or manager of the establishment is required to monitor and report on the student's progress to the school on a regular basis, with assistance from supervising licensees. A participating school is required to assess the extern's learning outcome from the externship program. The school is required to maintain accurate records of the extern's educational experience in the externship program and records that indicate how the extern's learning outcome translates into course credit.

ISSUE #12: It is unclear what the relationship is between the Bureau and the BPPVE relative to approval and oversight of schools.

Question #12 for the Bureau: *What functions does the Bureau perform as opposed to the BPPVE? Is there a way to streamline the school approval process? Is there a national accrediting body that can be used for part or all of the school approval process not currently provided by either of the two Bureaus?*

Background: Section 7395.1 of the Business and Professions Code provides that a school approved by the Bureau is one which is licensed by the BPPVE, or a public school in this state, and provides a course of instruction approved by the Bureau. Section 7395.1 provides that the Bureau shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and shall determine how much training is required before a student may begin performing services on paying patrons.

ISSUE #13: There are problems associated with same day licensing.

Question #13 for the Bureau: *What are some of the problems that the Bureau is experiencing with same day licensing? Is exam site security a concern? If so, what actions have or could be taken to make the sites more secure? If same day licensing were eliminated, what has or could be done to ensure that licenses were issued within a reasonable timeframe? Would this issue change if the national exam were adopted or computer based testing were used?*

Background: Current regulations require the Bureau to issue licenses to passing examination candidates the same day they are examined. The Bureau is the only regulatory body under the Department to issue licenses to candidates on the day of the examination. According to the Bureau's current report to the Joint Committee, to meet this requirement, approximately 23,000 licenses a year are pre-printed and sent weekly by courier from the Employment Development Department printing plant to the two examination sites. Of these licenses, less than 50% are issued and the remainder must

be shipped back to Bureau headquarters, audited, voided, and destroyed, requiring additional staff time and resources. This weekly transfer and destruction of pre-printed licenses is not only costly, but also presents a significant security risk by increasing the opportunity for theft, loss and fraudulent use.

In the 1996 Sunset Review, the Joint Committee commented on the Board's failure to maintain adequate security over the licenses issued at the exam sites. Additionally, 239 Bureau licenses were misplaced and believed to have been lost in transit in September 2000. Although they were subsequently recovered, the loss of these licenses and the earlier concerns from the Joint Committee prompted the Bureau to request an audit of the licensing process by the Department's Office of Internal Audits. The Internal Audit report made several recommendations, including that the Bureau should determine if there are viable alternatives to the same day licensing process.

According to the Bureau's current report to the Joint Committee, in response to the audit, the Bureau initiated emergency rulemaking to repeal the same day license requirement and instead require the Bureau to issue licenses within 15 working days. The Bureau held a public hearing and took comments from industry members who expressed concerns that eliminating same day licensing would delay a licensee's ability to go to work the next day. The Bureau addressed these concerns by revising the proposed regulations to require the issuance of licenses within 10 working days, and by developing a plan to allow candidates to use the Internet and/or toll-free telephone system to obtain their results no later than the next morning. This would allow licensees to work before receipt of their paper license. The Bureau completed the rulemaking process and submitted the regulations to the Office of Administrative Law for final review. However, due to concerns expressed by the Senate Budget Subcommittee No. 4 and opposition by certain industry segments, the Bureau withdrew the regulations to provide time for additional discussion. Subsequently, the Legislature added language to the 2002/03 State budget that said, "The license shall be issued by the bureau on the same day that the applicant satisfactorily passes the examination."

ISSUE #14: During the last review the Joint Committee felt that the number of hours and the curricula required in cosmetology and/or barbering school was an artificial barrier to entering the profession and no evidence existed to justify the need for such lengthy training in these areas of specialty.

Question #14 for the Bureau: *Has the Bureau reviewed the licensing standards for their licensing categories to determine whether they create an artificial barrier to entry?*

Background: In their current report to the Joint Committee, the Bureau states that one of the most effective means of determining appropriate training is through the occupational analysis process. The Bureau is in the process of conducting occupational analyses for each of its licensing categories. The Bureau anticipates completing each occupational analysis by 2004.

EXAMINATION ISSUES

ISSUE #15: The Bureau creates, updates and administers its own exams (written and practical) when national exams exist.

Question #15 for the Bureau: *Does the Bureau know whether any of the exams for any of their licensing categories are comparable to the exams administered by the National-Interstate Council of State Boards of Cosmetology, Inc. (NIC)? Does the Bureau know whether any of the national exams*

could properly determine minimum competency? Would/could California consumers be at risk if the national exams were used?

Background: NIC offers both practical and written exams. One or more NIC tests are used in 32 states.

ISSUE #16: Individuals who do not use, or do not qualify to use, the preapplication process typically have to wait five months to be scheduled to take the exams. Applicants should be able to take their examinations within a reasonable time after submitting proof to the Bureau that they have graduated.

Question #16 for the Bureau: *What is the Bureau doing (could the Bureau do) to decrease the waiting time? Does the Bureau feel that computer based testing will decrease the waiting time? Does the Bureau know if, or believe that, using the national exam would decrease the waiting time? Does the Bureau know if, or believe that, eliminating the practical exam would decrease the waiting time? Does the Bureau know if, or believe that, any of the above options would put consumers at risk?*

Background: Barbering, cosmetology, and electrology students may pre-apply for their examination after completing 75% of their required course hours and curriculum. Manicuring and esthetician students may pre-apply after completing 60% of the required hours and coursework. Effective January 1, 2003, apprentices who have completed 75% of their training. Students indicate their anticipated date of graduation on their application and pay a \$9.00 processing fee in addition to the regular application fee. These students are then scheduled into examination slots that have been set aside for pre-application candidates. By law, the Bureau must examine pre-application candidates within 10 working days of their graduation date.

The pre-application program was created through legislation (SB 985, Chapter 1015, Statutes of 1991), and became effective in 1992. The pre-application program was created to benefit the top students by ensuring that they received an examination date shortly after graduation. Schools were concerned because some students were waiting approximately 16 to 20 weeks for an examination date due to the high volume of applications. However, the popularity of the program has increased and modifications may be needed to accommodate the increase in pre-application candidates.

Applicants who cannot use the pre-application process, including licensees from other states and countries and those who are retaking the test (there is an overall failure rate of over 30%), must wait as long as 20 weeks to be scheduled or re-scheduled for the exam. Even though the Bureau overbooks the sites, yet increasing demand for a fixed number of spaces is creating a long waiting time for non-pre-application candidates. A larger testing facility in Southern California could relieve some of the testing pressure and will lower, but not eliminate, wait times for non-pre-application candidates.

ISSUE #17: What is the value of the written exam for barbers when the low passage rate (6%) does not keep them from being licensed because of aggregate scoring?

Question #17 for the Bureau: *Is this form of scoring valid?*

Background: California provides a two-part licensing examination that consists of a written portion and a practical portion. Both parts of the examination are taken on the same day and results are issued after completion of the examination. The written portion of the examination tests the candidate's general knowledge of the Bureau's health and safety laws and regulations. The practical portion of the

examination tests the candidate's actual minimum competency in performing the required services for that licensing category.

The required passing grade for all examinations is 75%. Except for the barber examination, all candidates must pass the written portion of the exam and the practical portion of the exam separately. Cosmetology, manicuring, esthetics and electrology candidates must achieve 300 points overall (out of a possible 400 points), including a score of 225 on the practical portion of the examination, and 70 on the written portion. In order to achieve the 300 overall points, the candidates must earn the additional five points in either portion of the examination. Barber candidates achieve a passing grade if the combined total points from the written and practical portions of the examination total 75 of 100.

For barber exams taken during FY 1999/2000, the passage rate for the practical exam was 90% and 6% for the written exam. In comparison, during this same time period, for cosmetology exams, the passage rate for the practical exam was 75% and 67% for the written exam.

For barber exams taken during FY 2000/2001, the passage rate for the practical exam was 89% and 6% for the written exam. In comparison, during this same time period, for cosmetology exams, the passage rate for the practical exam was 71% and 70% for the written exam.

ISSUE #18: During the last review, the Joint Committee was concerned about the connection between the use of interpreters and cheating on the written examinations. It appears that this is still a problem.

Question #18 for the Bureau: *What has the Bureau done or what could the Bureau do to curb this problem?*

Background: During the prior review, the Joint Committee found that there was a serious problem with cheating on the written examination because of the need to use interpreters during the written examination. The Board allowed non-English speaking applicants to bring their own interpreters to the written and practical examinations. This practice resulted in the Board's examination being subverted and has exposed non-English speaking applicants to unscrupulous interpreters who charge exorbitant fees for their services (\$500 to \$1000). For example, statistics maintained from January 1995 through July 1995 illustrate that the Board experiences an average of 30 to 50 cheaters per month (a total of 289 incidents of cheating during this period).

One solution that the Joint Committee noted was to administer the written examination electronically by a qualified outside vendor. This would enable the Board to offer the written examination in Spanish and Vietnamese (via electronic translation), thus eliminating much of the need for interpreters for the written portion of the exam.

According to the Bureau's current report to the Joint Committee, interpreter/candidate cheating on the written exam remains a problem. All exams using an interpreter are tape-recorded and when cheating is suspected, cases are forwarded to the Attorney General Office for action. In FY 2000/2001, 60 cases were forwarded to the Attorney General Office for action.